

**Senator Duff and Representative Reynolds and members of the  
Appropriations Sub-Committee for Regulation and Protection:**

My name is Susan Mazzoccoli and I am the only employee for the Board of Firearms Permit Examiners. I am a manager and my title is Management Analyst 1/Confidential. I have been a state employee for 16 years, 12 years with the Board.

Many of our legislators do not know that the Board of Firearms Permit Examiners exist or know of the services provided by the Board. As a former Board of Education member, the constituents I heard from the most, were those who were unhappy with the system and needed help. So if you have not heard of the Board, I take that as a compliment.

The Board has seven volunteer members appointment by the Governor. The members are appointed from nominees of the Commissioner of Public Safety, Connecticut Police Chiefs Association, the Commissioner of Environmental Protection, The Connecticut State Rifle and Revolver Association, Inc. and Ye Connecticut Gun Guild, Inc. Two members of the public members and at least one member needs to be a lawyer licensed to practice in Connecticut, who shall act as Chairman of the Board during the hearing of appeals.

Last year the Board met 17 times and over 400 cases were resolved.

The 2010 budget for the Board is my salary, \$71,845 and office expenses of \$8,971. Due to good management skills, the Board returned \$1,851 to the General Budget. As a result, the total cost to the state last year was \$78,955. This also included mileage reimbursement for two of our Board Members.

The Board of Firearms Permit Examiners was established in 1967 under State Statute 29-32b. Citizens who have been denied a pistol permit can appeal, through the process of an administrative hearing, the decision made by the local police chief or first selectmen. Citizens who have had their pistol permit revoked, a decision made by the Commissioner of Public Safety also have the right to appeal.

Governor Malloy's budget proposes to merge the Board with the Department of Public Safety. Should the Legislature agree with the proposal the Board will no longer exist as it does now. The Commissioner of Public Safety would control the Board's budget and as a result; would control the Board's employees, the Board's schedule and the information shared with the public as to how to appeal. The Commissioner of Public Safety is the State Issuing Authority of pistol permits and therefore also has the authority to revoke citizen's pistol permits. 412 Appeals were resolved last year and more than half were revocations. Merging the Board with the Department of Public Safety will be a conflict of interest.

Governor Malloy's proposed budget to merge the Board with the Department of Public Safety does not include the Board budget of \$78,955. State agencies already are not allowed to hire new employees, so when someone retires, the remaining employees take on the duties of the retiree. The services provided by the Board's staff would now be an added responsibility for the employees of the Department of Public Safety. As a result, I believe the backlog of cases waiting for an appeal would grow and be a detriment and a deterrent to those who wish to appeal.

Would you want to pursue an appeal in front of a Board controlled by the Commissioner who revoked your permit in the first place?

# 2010 Appeals Statistics

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2010 Appeals										
A		B		C		D				
Pending Appeals		New Appeals*		Resolved Appeals**		Remain pending				
Month										
January	319	25		32		312				
February	312	29		16		325				
March	325	34		51		308				
April	308	29		30		307				
May	307	19		39		287				
June	287	29		43		273				
July	273	16		36		253				
August	253	34		29		258				
September	258	29		22		265				
October	267	26		51		240				
November	240	18		28		230				
December	230	17		35		212				
Total		total 305		total 412		Balance Fwd.				
New Appeals ( B )*										
Month		Denials		Revocations						
January	11	14								
February	13	16								
March	23	11								
April	10	19								
May	6	13								
June	15	14								
July	5	11								
August	19	15								
September	9	20								
October	9	17								
November	6	12								
December	6	11								
Total 305		total 132		total 173						

<b>DETAILS OF CASES</b>	<b>RESOLVED**</b>									
<b>Meetings</b>	<b>Board decisions</b>	<b>denials settled prior to hearing</b>	<b>revocations settled prior to hearing</b>	<b>barred by law</b>	<b>withdrew w/o resolution</b>	<b>dormancy</b>				
January (2 meetings)	18	5	5	1	3	0				
February	10	6	0	0	0	0				
March	8	21	14	2	6	0				
April (2 meetings)	8	10	10	0	2	0				
May (2 meetings)	25	9	5	0	0	0				
June	8	5	1	2	3	24				
July	16	11	6	2	1	0				
August	13	6	8	0	2	0				
September (2 meetings)	8	3	2	0	1	8				
October (2 meetings)	24	6	4	0	6	11				
November	15	7	5	0	1	0				
December	13	9	10	1	2	0				
<b>sub-total resolved =</b>	<b>166</b>	<b>98</b>	<b>70</b>	<b>8</b>	<b>27</b>	<b>43</b>				<b>total 412</b>

Feb. 23, 2011

To: Co-Chairman Senator Bob Duff and Co-Chairman Representative Tom Reynolds and Members of the Appropriations Sub-Committee Regulation and Protection:

The Board is the primary appeals process for those aggrieved by denial or revocation of Handgun/pistol permits by police agencies. The oversight board was established 40 years ago as an independent agency due to police abusing their discretion by formulating their own rules and standards for firearms permits. The 7 unpaid Board Members are volunteers and receive NO compensation, and a secretary and office expenses costs the state little < \$100,000. Placing the Board under the Dept of Public Safety and subordinating the Board to the State Police would save zero dollars; if the Board's Secretary's duties (i.e. one position) are performed by ?? State Police Secretary? Who will do the work currently done by the Board's Secretary? Who will command how the man-hours, performed by that person, will be allocated? The State Police easily can instruct that person to put the Board's business last on his/her "list of things to do" for each and every day. Indeed, they could say "just don't do it" and then claim "our other duties have a higher priority than this Board's business." They can also instruct their employee in 'what cases to schedule, when to schedule them, etc' giving priority to cases they know they can win, and subordinating cases they know they will lose-thereby empowering themselves to extend the revocation/denial time of permit's whose revocations/denials they cannot justify. Putting the BFPE under the State Police will allow them to control what is established as an unbiased review of their police actions and due process; that control is currently, by having its only employee under its, i.e. the Board's, control.

The State Police also will be able to rewrite the board's regulations, the rules that govern the board's procedures and also reduce the number of days the days the Board meets (last year the Board voluntarily met times) to the "once every 90 days" the current statute requires them to meet.

Many police prefer not to issue permits to civilians and clearly regard the Board as an adversary; the enmity was intensified recently when a member of the board sued the State Police in Federal court in connection with his own permit. We consider this issue as the first step toward the complete elimination of the oversight board, which many police regard as a nuisance at best.

Another serious factor in the potential loss of the single secretary? Were she replaced with another, the administrative knowledge and institutional memory of this long-term employee would be lost causing a more lengthy appeal process (two years ago 18 months) and more delay. The Board, in the past two years, by VOLUNTARILY, at NO COST TO THE STATE, put in their own hours and reduced the backlog/waiting time from two years to (currently) less than one year.

Most important, it would lead to a reduction in, if not an elimination of, the inherent fairness of the Board's operating principles which was put in place by the legislature to

function as a Civilian Review Board. The public perception of the Board, as an independent autonomous body free from oversight and control of the DPS or the State Police, where any citizen can get a fair and impartial hearing, will be destroyed.

If approved, an applicant who is denied a pistol permit would have to appeal to the very body, the Department of Public Safety, which rejected, or revoked, the permit. The transfer of this currently independent board will make it harder for law abiding gun owners to obtain pistol permits if they have been revoked or denied without proper cause.

It is just plain NOT GOOD PUBLIC POLICY. And, the savings? Less than \$100,000.

A Concern Citizen